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8 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
9 AT TACOMA

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11 GOLD CREEK CONDOMINIUM-PHASE
12 I ASSOCIATION OF APARTMENTS
OWNERS, a Washington non-profit
corporation,

13 Plaintiff,

14 v.

15 STATE FARM FIRE AND CASUALTY
16 COMPANY, an Illinois corporation; ST.
PAUL FIRE AND MARINE INSURANCE
17 COMPANY, a Connecticut company, THE
AETNA CASUALTY AND SURETY
18 COMPANY, a Connecticut Company;
TRAVELERS CASUALTY AND
19 SURETY COMPANY, a Connecticut
Company; AETNA CASUALTY AND
20 SURETY COMPANY OF ILLINOIS, a
Connecticut Company; TRAVERLERS
21 CASUALTY INSURANCE COMPANY
OF AMERICA, a Connecticut company;
and DOE INSURANCE COMPANIES 1-
22 10,

23 Defendants.
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CASE NO. 20-5690 RJB

ORDER GRANTING, IN PART,
AND DENYING, IN PART,
DEFENDANTS' MOTIONS TO
EXCLUDE TESTIMONY OF
KEITH SOLTNER AND SETTING
DAUBERT HEARING

1 This matter comes before the Court on Travelers Defendants' Motion to Exclude
2 Testimony of Keith Soltner (Dkt. 63) as joined in by Defendant State Farm (Dkt. 65). The Court
3 is familiar with all documents at issue.

4 The motion (Dkts. 63 and 65) should be denied, in part, as to all paragraphs numbered 1
5 to 35 and 44 to 54 and the first three sentences of paragraph 6, in the Declaration of Keith
6 Soltner in Support of Motion for Partial Summary Judgment Against the Travelers Defendants
7 (Dkt. 52) (said Declaration appears to set forth Mr. Soltner's opinions on the issues at hand, by
8 numbered paragraphs and are used herein to guide this opinion). Similarly, the motion should be
9 denied, in part, as to all paragraphs numbered 1 to 35 and 44 to 52 and the first three sentences of
10 paragraph 6, in the Declaration of Keith Soltner in Support of Motion for Partial Summary
11 Judgment Against State Farm (Dkt. 49). Said paragraphs are consistent with the requirements of
12 *Daubert v. Merrell Dow Pharm., Inc.*, 509 U.S. 579 (1993), *Kumho Tire Co., Ltd. v. Carmichael*,
13 526 U.S. 137 (1999), and Rules of Evidence 701 and 702, and need no further discussion here.

14 Defendants' Motion requested, alternatively, a hearing under "*Daubert* and its progeny,"
15 and it appears to the Court appropriate to grant the motion (Dkts. 63 and 65) in part, for a
16 "*Daubert* and its progeny" hearing in regard to the opinions listed in paragraphs 36 through 43,
17 and the last three sentences of paragraph 6, of Mr. Soltner's Declarations (Dkts. 52 and 49) to
18 determine the admissibility of Mr. Soltner's opinions regarding the timing of the commencement
19 and duration of the damage to Gold Creek Condominiums.

20 Said *Daubert* hearing is hereby set at 9:30 a.m. on Thursday, June 23, 2022 in Courtroom
21 A at the United States Courthouse, 1717 Pacific Avenue, Tacoma WA 98402.

22 **IT IS SO ORDERED.**

1 The Clerk is directed to send uncertified copies of this Order to all counsel of record and
2 to any party appearing pro se at said party's last known address.

3 Dated this 14th day of June, 2022.

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6 ROBERT J. BRYAN
7 United States District Judge
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